

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: February 1, 2011

Re: Hold a Public Hearing to Introduce an Ordinance Amending Sections 30-36 and 30-37 of the Alameda Municipal Code Related to Design Review and Section 30-6 Related Signs and Related Amendments to the Guide to Residential Review and the Webster Street Design Manual

BACKGROUND

The proposed amendments to the Alameda Municipal Code (AMC) design review regulations, sign ordinance, and related manuals are intended to:

- Clarify, streamline, and improve the City of Alameda's Design Review program;
- Improve customer service and satisfaction with the program;
- Correct existing problems with the public notification and appeal procedures; and
- Maintain consistency between the sign requirements and the amended design review regulations

The draft amendments were developed with assistance and advice from the City of Alameda Customer Service Improvement Committee and representatives from the Webster Street Design Committee and Park Street Business Association.

The Planning Board unanimously approved the recommended amendments on December 14, 2009.

On April 20, 2010, the City Council approved the first reading of the amendments and asked staff to make two changes for the second reading. The Council asked that staff:

1. Amend the ordinance to prohibit exemptions for proposals in the case when an applicant proposes to replace an inappropriate window with a new inappropriate window. For example, if a double hung wood window in a 1910 craftsman bungalow was replaced with a horizontal aluminum slider in 1959, a 2011 proposal to replace the 1959 window with a brand new aluminum slider should not be exempt from Design Review under the long standing "replacement-in-kind" exemption. Staff has made the necessary amendments to the ordinance so that only windows and other features that are "consistent with the original design" will qualify for the "replacement in kind" exemption.

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2. To prepare a "Window Replacement Handout" that describes and illustrates the requirements for replacing windows for the second reading of the ordinance.

Due to a number of competing priorities, staff was unable to make the changes in a timely manner for the second reading. Although staff has now completed the requested changes, staff chose to re-notice this item as a first reading given the amount of time that has passed since the April 2010 first reading.

DISCUSSION

The proposed improvements to the design review program require amendments to several sections of the Alameda Municipal Code (AMC). The following analysis is organized in the order in which they appear in the code and in the recommended ordinance.

Section 30-36. Design Review Procedures

Sections 36.1 through 36.4 describe the procedures by which design review applications are considered, noticed and appealed. The current code has caused a variety of problems over the years, which have been detrimental to the quality and effectiveness of, and confidence in, the City's Design Review Program.

The proposed revisions to sections 36.1 through 36.4 improve the design review process by:

- Ensuring that the public and neighbors are better informed and more productively involved in design review application review, and
- Ensuring that the Planning Board is better informed of pending and recent staff decisions on design review applications so that staff decisions may be called for review if necessary to ensure consistency with community design standards.

Under the amended code, the notification and appeal process would be improved to work as follows:

At least 10 days prior to a decision on a design review application, the site will be posted and a letter sent out to property owners and residents in a 100 foot radius informing them that the staff will make a decision on a specific date, and that a 10-day appeal period will begin on that date. This is similar to the approach that is used for Planning Board and City Council decisions. The posting and letter will describe the nature of the proposal and the opportunity to review and comment on the application. When staff makes a decision on the project, a Notice of Decision will be sent by mail to the property owner and any neighborhoods or interested parties requesting the notice. During the 10 day appeal period staff will report the decision to the Planning Board, at which time the Planning Board will have the opportunity to call the decision for review, if necessary. If the project is to be heard by the Planning Board or Zoning Administrator, then the noticing procedures governing Planning Board or Zoning Administrator

decisions will be utilized (i.e. the 20 day notice of upcoming hearing but no notice of decision to the neighbors).

New administrative guidelines ensure that current and future staff consistently implement these procedures. As drafted, the Administrative Guidelines instruct staff to:

- Maintain a public list of pending design review applications.
- Maintain the list on the City website, so that the Planning Board or any member of the community may at any time review the applications on file, including the proposed plans.
- Include the list in the Planning Board's regular packet.
- Report to the Planning Board at a meeting on any design review decisions made and provide the Planning Board the opportunity to call the decision for review.

The Administrative Guidelines also include the criteria for which projects should automatically be referred to the Planning Board. Design review projects that shall be automatically referred include:

- New commercial buildings,
- New residential buildings, but not second units consistent with 30-4.1,
- Any project for which a neighbor or the applicant request Planning Board review,
- Any project that includes an entitlement that requires Planning Board review, such as a zoning amendment or General Plan amendment.

Section 30-37 Design Review Regulations

Section 30-37 Design Review Regulations describes the types of projects that are subject to design review, the findings for approving a design review project, and the time limits on design review approvals. Currently, the code establishes three categories of projects: "major" design review, "minor" design review, and projects that are "exempt" from design review.

The intent of the minor design category is to allow for staff level design decisions on small projects. Most minor design review approvals are conducted "over the counter" or approved within a couple of days. However, the minor design review process has been problematic and has caused a number of problems for applicants, neighbors and staff.

As currently written, all design review decisions may be appealed by "any person", but only the applicant receives the notice of decision on minor design review approvals. Minor design review projects are discretionary decisions that should be subject to appeal, but the applicant is the only person who actually gets the opportunity to appeal the project. If a staff decision requires judgment and discretion, such as a determination as to whether the "improvement is consistent with the neighborhood," or the "improvement will not impact the neighbors", then that decision should be subject to appeal. Reasonable people can and do disagree on these judgments, and when staff is

making these judgments, which the minor design review process requires, then those decisions should be subject to an effective appeal process.

For minor design review applications, the public and neighbors do not get a notice of the application or a notice of decision; but they do have a right of appeal. The ordinance has resulted in some very unfortunate situations. Because there is no notice of minor design review, the neighbors do not find out about minor design review decisions until the actual construction work begins. At this point in the process, it is extremely problematic to start questioning whether the appropriate findings were made to approve the project, and the 10-day appeal period has usually passed.

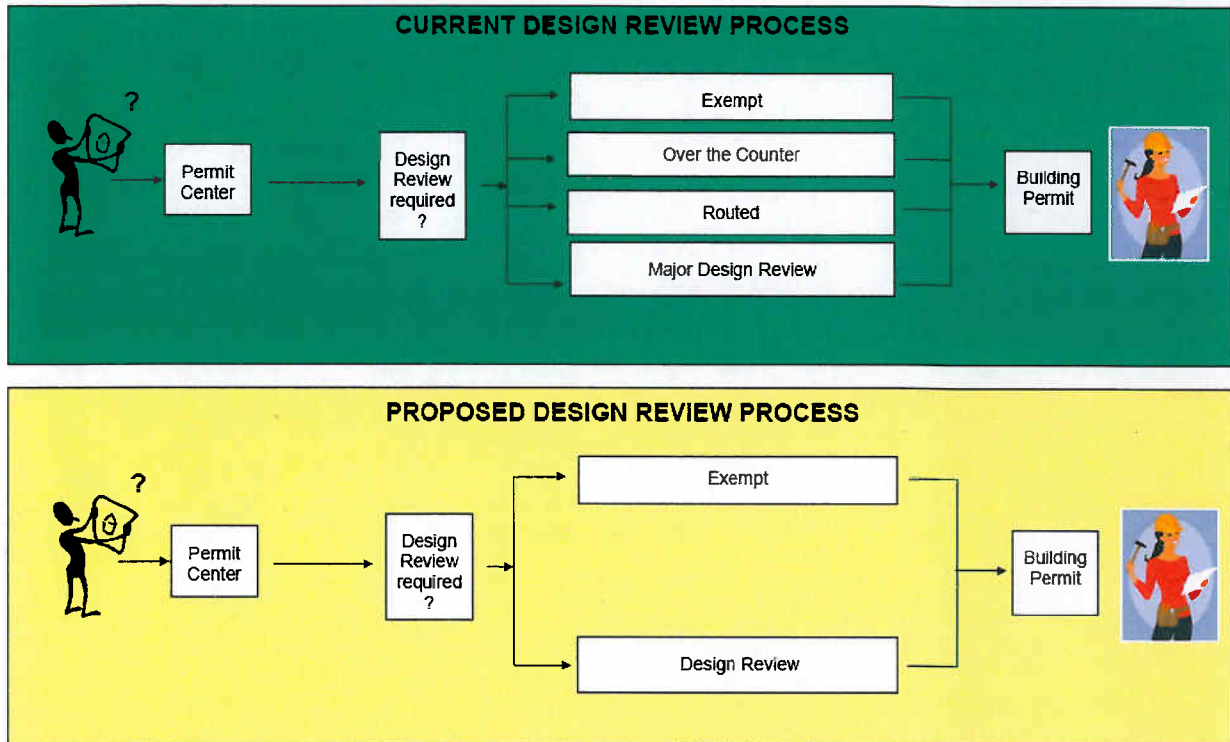
In addition to the noticing and appeal problems with minor design review described above, the minor design review category adds an unnecessary level of complexity and uncertainty to the program.

Minor design review includes "routed" minor design review projects and "over the counter" minor design review projects. If a project is "over the counter", it is approved at the counter by the planner. If it is routed, the project gets review by other departments before it is approved. Therefore, when a resident comes to the permit center for a building permit for exterior modifications to their property, there are four potential design review tracks that their project may follow before being reviewed for a building permit: exempt, minor design-over the counter, minor design review-routed, or major design review.

There are four different design review tracks (major design review, routed minor design review, over the counter design review, and exempt). Each track has a different process and fee, and the planner at the counter often determines the appropriate track. Some applicants "planner shop" for a preferred answer. These applicants may return several times to the permit center hoping to find a planner at the counter who will determine that an inexpensive, faster track is available. In some cases, staff will change its determination about the design review track. Both of these circumstances are detrimental to the quality of the City's design review program and the public's confidence in the program.

In many cases, these small "minor design review" projects are quite simple, but in some cases, they might take a lot of staff work and time. From a cost recovery and customer service perspective, this is problematic. Minor design review requires a flat fee of approximately \$270 if it is routed to other departments. Over the counter minor design review is only \$37. If the project takes more than about two hours of staff time, then the Community Development Department is subsidizing a routed project for the applicant. If staff spends more than 15 minutes on an over the counter design review, the department is also subsidizing the project. This often happens when the applicant "planner shops" or has chosen not to hire a design professional and instead uses City staff to design the project to comply with City standards. In cases where applicants hire design professionals for minor projects, the work can often be done in two hours, without the City subsidizing the project.

To address these problems, the proposed text amendments streamline and simplify the design review program by eliminating the minor design review process. As proposed, all "improvements" would be subject to design review, public notice, right of appeal, and call for review, unless the project is "exempt". By creating a simple and clear list of exempt projects, the new ordinance will significantly reduce differing interpretations ("planner shopping"), simplify the process for applicants, and eliminate situations where the City subsidizes the project.



Under the new provisions, the following projects that were previously subject to minor design review will continue to require design review:

- Any addition or improvement to the front or side of a building, not otherwise exempted (see list below).
- Changes to existing parking lots that are visible from the public right-of-way or include a change in the number of spaces or amount of landscaping.
- Replacement of a window, door, porch, or similar architectural feature with a feature that is not consistent with the original architectural design of the feature.

Under the new provisions, the following projects will be exempt from design review.

- Replacement. In-kind replacement of a window, door, porch, or similar architectural detail with a feature that is consistent with the original architectural design of the structure.

For example, replacing deteriorated double hung windows with new double hung windows that is consistent with the original dimensions, proportions, details and textures and outwardly appears unchanged from the original element.

- Restoration. Restoration of a window, door, porch or similar architectural detail from a style not consistent with the original architectural design of the structure to a feature that is in keeping with the original architectural style of the structure.

For example, replacing aluminum horizontal sliding windows with new double hung windows on a 1920 bungalow would be exempt. However, replacing aluminum horizontal sliding window with aluminum horizontal sliding windows on a 1920 bungalow would not be exempt.

- Additions or improvements that meet all of the following criteria:
 - a) are less than 200 square feet in size; and
 - b) are on the first story as defined by the Building Code; and
 - c) are located in the rear yard area; and
 - d) are in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district and,
 - e) include exterior materials, roof pitch, design, windows, and doors that are a visual match the existing or original design of the structure.
- Awnings that have approval by the City of Alameda Façade Improvement Program or meet certain specific design criteria listed in the Design Review Ordinance 30-37.2.7
- Changes to existing parking lots that are not visible from the public right-of-way, provided there is no change in the number of spaces or amount of landscaping.
- New signs, provided that they have an approved sign permit.
- Solar collection facilities.
- Fences in conformance with the Alameda Municipal Code.

Section 30-6 Sign Ordinance Amendments

Currently, a proposed sign requires two permits: a sign permit and a minor design review permit. Under the current regulations, the size and number of signs is reviewed as part of the sign permit, and the design of the sign is reviewed under minor design review. Under the proposed revisions to the Design Review Ordinance, signs with approved sign permits would be exempt from design review. To maintain the City's existing ability to review and approve signs for new businesses expeditiously, the proposed code amendment would allow the City to review the design of the sign as part of the sign permit process.

Design Guidelines, Manuals, and Handouts

Amendments to the City of Alameda Guide for Residential Design and Webster Street Design Manual are required to maintain consistency between the proposed

amendments to the Design Review Ordinance and the Guidelines and Manuals that are used by the public and staff to implement the design review program. Should the City Council approve the recommended ordinance amendments, City staff will revise the design guidelines and manual to ensure consistency.

The attached handout (Exhibit 1) is intended to provide easy to understand descriptions and tips for applicants and homeowners wishing to replace windows.

FINANCIAL IMPACT

There is no financial impact from adopting the recommended Code amendments.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed zoning text amendment is necessary to ensure that design review can be uniformly and efficiently processed and assist staff in attaining General Plan goals to develop a protection of Alameda's historic neighborhoods and small town character as stated in the City's Design Element.

ENVIRONMENTAL REVIEW

The proposed amendments are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed amendments amend the review process for design review and do not increase the intensity or density of use that would be permitted on property in Alameda.

RECOMMENDATION

Introduce an Ordinance amending Sections 30-36 and 30-37 of the Alameda Municipal Code related to design review and Section 30-6 related to signs and amendments to the Guide to Residential Review and the Webster Street Design Manual.

Respectfully submitted,



Andrew Thomas,
Planning Services Manager

Exhibit:

1. Window Handout

City of Alameda Design Review Exemptions for Window Replacements For Structures not listed as Historic Resources*

Windows define and express the style and architectural period of a building through such details as molding profiles, function, size, shape, position and glazing patterns. Retaining the original windows is one of the best ways to retain the charm, character, and resale value of an older building.

Exemption Criteria

Replacement windows are exempt from Design Review if there is no change in the size of the opening **and either**:

1. Replacement "In Kind" If the **existing windows are part of the original construction of the house**, the replacement windows shall visually match the existing windows, including having dimensions typical of the original window (see Attachment 2 Typical Dimensions as well as the Design Review Ordinance.); or
2. Restoration. If restoring **previously altered windows**, the replacement windows are **consistent with the building's original architectural style** (see Attachment 1 Stylistic Consistency) and **visually match** the types of windows that would have been used originally (see Attachments 1 and 2).
3. *If your structure is listed on either the City of Alameda Study List or City Monument List, a slightly higher standard called the Department of Interior Standards will be required. Please see Planning staff for explanation and criteria.

All other window replacement projects require design review.

Submittal Requirements

- Photograph(s) of existing windows to be replaced.
- Photographs of front of building and side(s) of building where the windows are to be installed.
- Window manufacturer and, if applicable, model number or style name, e.g. "Marvin Integrity"
- Brochure(s) of new windows, if available.
- Cross-section of new windows (***Usually available from the supplier or use the drawings in Attachment 2. If you use the drawings and your proposal is different from the drawings, mark-up the drawings to show the differences.***)
- Site plan or floor plan clearly identifying all new and replacement window locations.
- Window schedule with numbers or letters (i.e. A, B, C or 1, 2, 3) corresponding to the window locations on the floor or site plan. See attached window schedule – Attachment 3

For restoration of previously altered windows: Identify the style of the building and either:

1. Use Attachment 1 (Stylistic Consistency) to determine the type, material and design of the new windows; **or**
2. Select other buildings of the same style with original windows; use these windows as models for the restored windows and include photographs of the other buildings with your submittal; **or**
3. If old photographs or plans are available, base the new windows on the photographs or plans and include the photographs or plans in your submittal

How to **visually match** replacement windows with existing or restored original windows.

1. Choose a window that matches type and size of the original window or, if the original window has been replaced, a window consistent with the building's original architectural style (see Attachment 1).
2. Choose a window that has dimensions typical of the original window. (See Attachment 2 for typical dimensions.)
3. Replacement windows do not have to be made of the same material (e.g. wood) as the originals

as long as the **visual character** of the new windows matches that of the originals. But if the existing or original windows were wood, and if the new window material is different, surfaces must be smooth and flat (not molded), and finishes flat or semi-gloss (not gloss).

Attachment 1: Stylistic Consistency Chart

Attachment 2: Typical Dimensions of Wood and Steel Windows

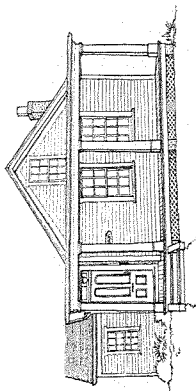
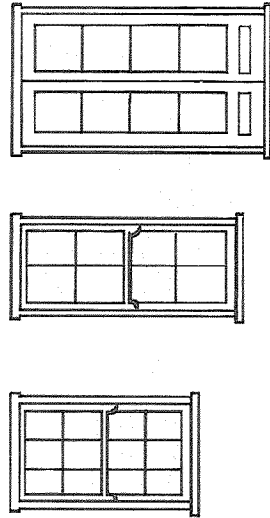
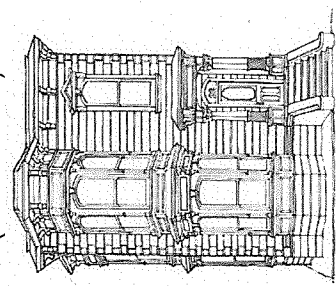
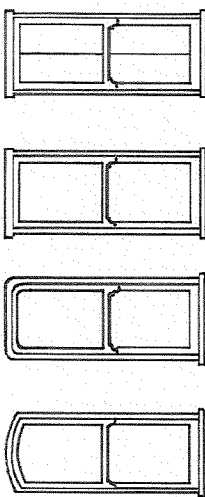
Attachment 3: Window Schedule Form

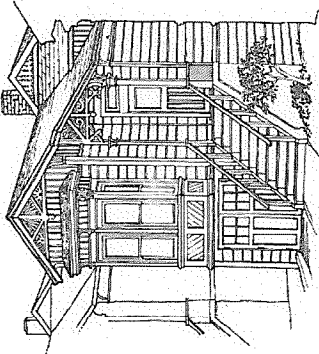
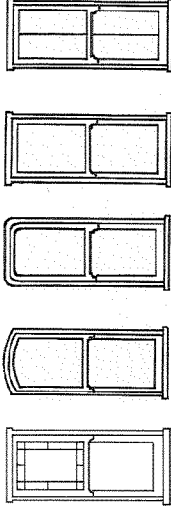
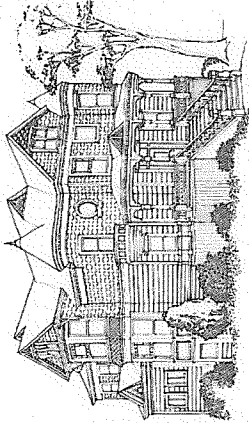
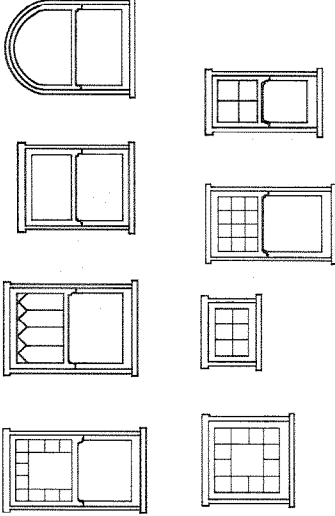
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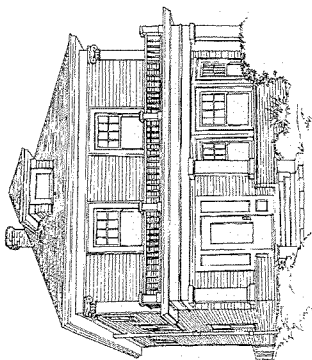
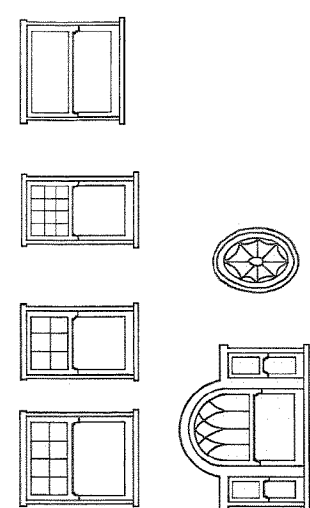
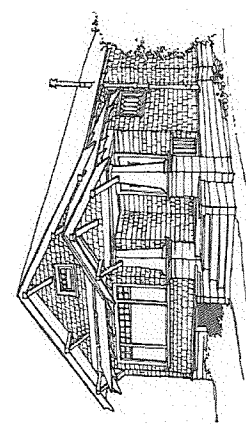
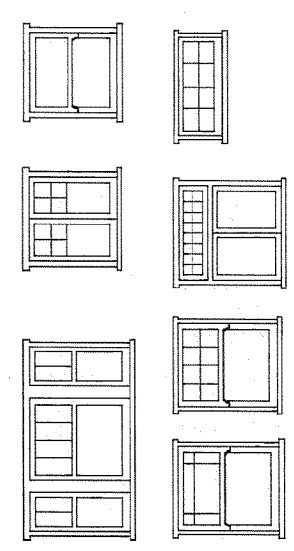
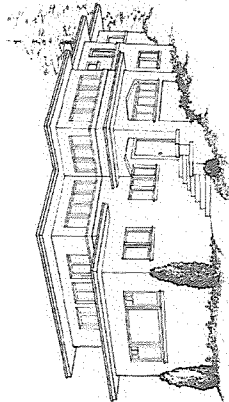
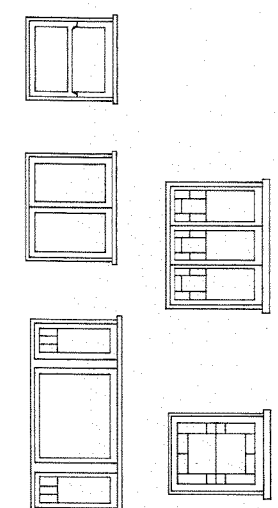
For Pre-1960s buildings:

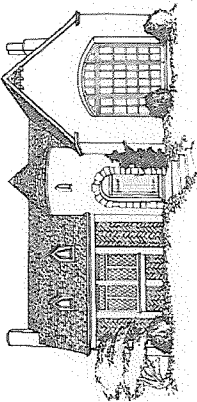
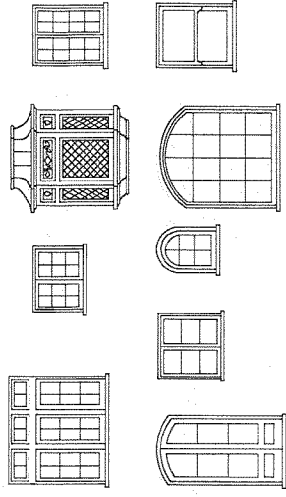
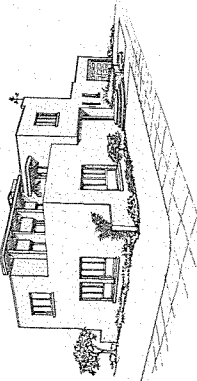
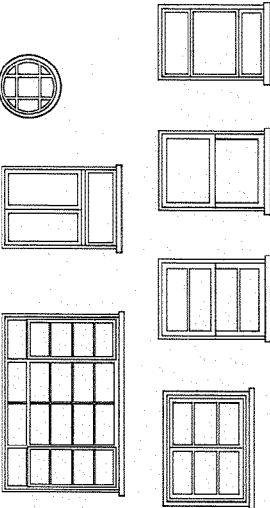
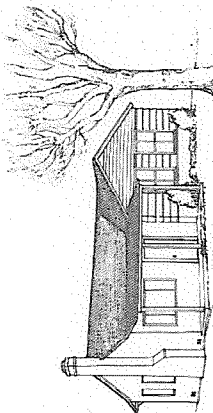
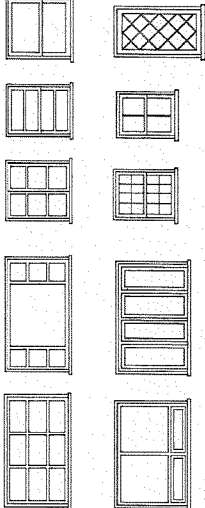
To find the window with the best visual match to the original window, locate your building's architectural style (Column 1) and then review the typical window and muntin types to guide your window replacement decision. If a building has more than one architectural style as shown in the chart, the new windows can relate to any of these styles.

Instead of using the Stylistic Consistency Chart, you can choose window types and designs from original windows on other Alameda buildings with the same style as your building.

Architectural Style of Building	Typical Original Windows			
	Type	Materials	Muntin Patterns	Comments
Pioneer (1840s -1860s) 	Double hung	Wood	 <p>Muntins: Yes</p>	Besides double hung wood sash, wood French doors opening out onto porches and balconies were sometimes constructed.
Italianate (1870s-1880s)  <p>(c) City of Oakland</p>	Double hung	Wood	 <p>Muntins: Sometimes (usually only at the rear)</p>	Window openings are tall and narrow, enhancing verticality of façades. Curved and arched upper sashes are common. Transom lites over doors are common.

Typical Original Windows				
Architectural Style of Building	Type	Materials	Muntin Patterns	Comments
 Stick/Eastlake (1880s) (c) City of Oakland	Double hung. Fixed.	Wood	 Muntins: Rarely	Stick/Eastlake and Italianate windows are very similar, except Stick/Eastlake are usually not arched. Fixed windows are usually only over stairs, near entries and in attic gable ends and dormers.
 Queen Anne (1880s-90s) (c) City of Oakland	Double hung. Fixed.	Wood	 Muntins: Often	Many window forms, shapes, and sizes. Complex muntin patterns are common. Stained glass is common. Horizontally curved sash in round towers is common. Fixed windows at same locations as for Stick/Eastlake.

<p>Colonial Revival (1890s-1950s) and Eastern Shingle (1890s-1910s)</p>  <p>(c) City of Oakland</p>	<p>Double hung. Casement. Fixed.</p>	<p>Wood. Steel (1920s-50s only).</p>	 <p>Muntins: Sometimes</p>	<p>In Alameda, muntins are usually only on upper sash of double-hung windows, except post-1920 Colonial Revival. Upper sash is often shorter than lower sash. Sometimes stained or leaded glass is in upper sash or transoms and fixed sash is near fireplaces and entries and in dining rooms.</p>
<p>Craftsman (1900s-20s)</p>  <p>(c) City of Oakland</p>	<p>Double hung. Casement. Fixed.</p>	<p>Wood.</p>	 <p>Muntins: Usually (Recommended)</p>	<p>Living and dining rooms often have a three-part window with a fixed middle sash and casement or double-hung sidelights. See Colonial Revival for stained and leaded glass and fixed sash treatments.</p>
<p>Prairie (1900s-20s)</p>  <p>(c) City of Oakland</p>	<p>Double hung. Casement. Fixed.</p>	<p>Wood</p>	 <p>Muntins: Usually (Recommended)</p>	<p>Windows often feature larger sizes of glass than seen in earlier styles. Windows and sash groupings emphasize horizontality. See Colonial Revival for stained and leaded glass and fixed sash treatments. Three-part window treatments same as Craftsman.</p>

<p>Provincial (1920s-40s), and Tudor (1900s-40s)</p>  <p>(c) City of Oakland</p>	<p>Double hung. Casement. Fixed</p>	<p>Wood. Steel (1920s and later)</p>	 <p>Muntins: Usually (Recommended)</p>	<p>Three-part window treatments same as Craftsman. Sometimes leaded glass, usually in a diamond pattern.</p>
<p>Streamline Moderne (1930s-50s)</p> 	<p>Double hung. Casement. Awning. Vent. Louver. Horizontal sliders</p>	<p>Wood. Steel. Aluminum. Glass block.</p>	 <p>Muntins: Yes</p>	<p>Muntin patterns are usually horizontal, rather than vertical as seen in earlier architectural styles.</p>
<p>Ranch and Midcentury Modern (1940s-50s)</p>  <p>(c) City of Oakland</p>	<p>Double hung. Casement. Fixed. Horizontal sliders</p>	<p>Wood. Steel. Aluminum.</p>	 <p>Muntins: Sometimes</p>	<p>Muntin patterns more horizontally oriented. Larger sizes of glass in each lite. Three-part window treatments same as Craftsman.</p>

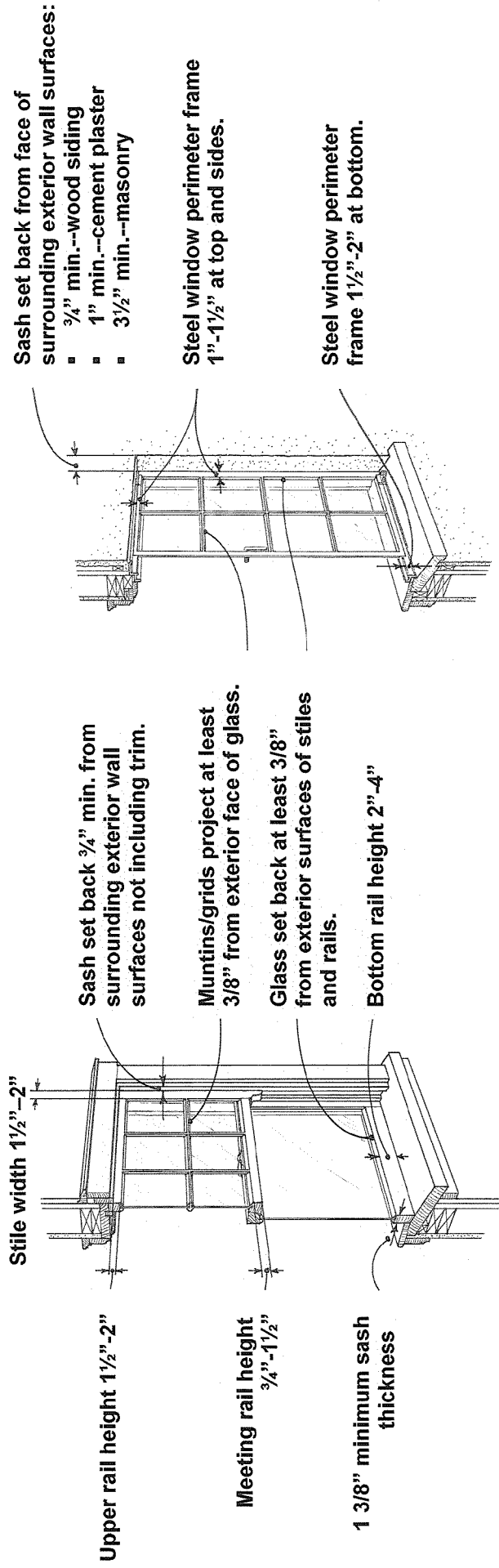
Note: The above chart does not apply to commercial storefront windows. For new storefront windows that do not visually match the original windows, see the City's Design Review Manual to determine if the new windows are consistent with the building's original architectural style.

For 1960s and Newer Buildings

Most 1960s and newer buildings use variants of styles found in pre-1960 buildings. Original windows could have been any of the types (double-hung, casement, etc.) used in pre-1960s buildings, plus single hung. Original window materials could have been wood, aluminum and, beginning in the 1980s, extruded vinyl. Beginning in the 1990s, additional materials were used, including aluminum or vinyl clad wood, as well as fiberglass.

When replacing windows in post-1960 buildings, either **visually match** the original (if known) or identify which pre-1960 style (or styles) most closely fit the building and choose the window type, material and design from these styles, as indicated in the Stylistic Consistency Chart. If remodeling a contemporary building into a different style, the windows should be replaced consistent with the new style.

Attachment 2: Typical Dimensions of Wood and Steel Windows



Note on internal muntins/grids: Internal muntins or grids began to be used in the late 1970s. On double glazed windows (consisting of two sheets of glass separated by an airspace) they are sandwiched within the air space between the glass sheets. They are also sometimes used on just the interior face of the glass, but not the exterior. Windows with internal muntins/grids are exempt from Design Review only if they replace original windows which have internal muntins/grids, such as those found at Harbor Bay Isle.

WINDOW SCHEDULE

Site Address:

Year Built:

Historic Resource:

Architectural Style of Building:

☐ Pioneer
☐ Italianate
☐ Stick Eastlake
☐ Queen Anne
☐ Colonial Revival
☐ Craftsman

☐ Bungalow
☐ Prairie
☐ Mediterranean
☐ Provincial
☐ Wartime Tract/Ranch
☐ Other

	ROOM	EXISTING WINDOW TYPE	NEW WINDOW TYPE	EXISTING WINDOW MATERIAL	NEW WINDOW MATERIAL	EXISTING SIZE (width) x (depth)	NEW SIZE (width) x (depth)	MUNTINS/GRIDS
Example	Kitchen	Double-hung	Casement	Wood	Alum-Clad with Wood core	48" x 36"	96" x 72"	3/4" x 1/4" (width) x (depth)
1*								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

* Please show these window numbers on the project plans. Continue on another sheet if your project exceeds 16 window replacements.

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING SECTIONS 30-36, 30-37, AND 30-6 OF THE ALAMEDA
MUNICIPAL CODE TO IMPROVE THE DESIGN REVIEW AND SIGN
ORDINANCE PROVISIONS FOR THE CITY OF ALAMEDA

BE IT ORDAINED by the City Council of the City of Alameda:

Findings.

In enacting this Section, the City Council finds as follows:

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure that design review can be uniformly and efficiently processed and assist staff in attaining General Plan goals to develop a protection of Alameda's historic neighborhoods and small town character as stated in the City's Design Element. The proposed amendments will also simplify and improve the design review process in Alameda and provide relief for property owners who are required to delay construction on approved projects.
2. The amendments will support the general welfare of the community. The proposed zoning text amendments will require that all exterior changes are subject to Design Review, unless exempt, ensuring compliance with the Residential and Commercial Design Guidelines. The amendments also provide relief to property owners that may have been required to delay construction due to the worldwide economic downturn by not requiring them to pay for renewing permits.
3. The amendments are equitable. The proposed zoning amendments are equitable in that they establish consistent noticing and appeal procedures for all property owners. The proposed zoning amendments are also equitable in that they establish consistent expiration and extension requirements for all design review projects, irrespective of whether they are joined with a variance or use permit.

Section 1. Section 30-36 of the Alameda Municipal Code is hereby amended to read as follows:

30-36 DESIGN REVIEW PROCEDURE.

30-36.1 Design Review Staff.

The review of applications required by this article shall be made by the Planning Staff designated by the Planning Director. In those instances where the Planning

Approved as to Form
City Attorney

Director believes an application will generate significant public interest, or involve policy issues, or require other entitlements to be reviewed by the Zoning Administrator or Planning Board, the Planning Director may shall refer the application to either the Zoning Administrator or the Planning Board for review and action.

30-36.2 Notice.

At least ten (10) days before final approval decision by the Planning Director of on a Major Design Review application, a notice shall be sent to the owners of property located within one hundred (100') feet of the property line of the applying property and prominently posted on the project site regarding the application and the opportunity to comment on the proposed design. Public comments may be submitted to the Planning Department within ten (10) calendar days of the date of the notice. No hearings on Major Design Review applications are required; however, the Planning Director may refer an application to hearing as provided for in subsection 30-36.1. Applications referred to the Zoning Administrator or Planning Board shall be noticed in conformance with Zoning Administrator or Planning Board noticing procedures.

30-36.3 Notice of Decision.

Final action on a Design Review shall be made in writing listing any conditions of approval. A copy of the action shall be mailed to the applicant, provided to the members of the Planning Board at the next regularly scheduled meeting, and to any person or interested party that who has requested notice. The date of the final action shall be the date the action Notice of Decision is postmarked is mailed.

30-36.4 Appeals and Calls for Review.

Any person dissatisfied with a decision of the Planning Director may file an appeal to the Planning Board within ten (10) calendar days from the date the Notice of Decision, pursuant to subsection 30-36.3, is mailed. The appeal shall be made in writing and filed with the Planning Department. Failure to file a timely appeal shall result in a waiver of the right to appeal. The appeal shall state in detail the factual basis for the appeal. Appeals shall be heard pursuant to Section 30-25. The decision of the Planning Director may be called for review pursuant to Section 30-25.

Section 2. Section 30-37 of the Alameda Municipal Code is hereby amended to read as follows:

30-37 DESIGN REVIEW REGULATIONS.

30-37.1 Definitions.

a. Additions shall mean the expansion of an existing structure, affixed to real property.

b. Improvements shall mean the construction of a structure, an addition, or alteration to the exterior of a structure affixed to real property, which requires a building permit.

c. Major Design Review shall mean an improvement subject to review under subsection 30-37.2a.

~~d. Minor Design Review shall mean an improvement subject to review under subsection 30-37.2b.~~

d. e- Replacement-in-kind shall mean the replacement of any structure or architectural element which is identical to the original existing structure or architectural element in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details and textures of the original and that outwardly appear unchanged from the original.

e. Restoration shall mean to restore or replace any structure or architectural element back to its original dimensions, proportions, details and textures of the original element and that outwardly appear unchanged from the original element in place at the time of construction. If the original element has been removed or altered, the replacement element shall be consistent with the structure's original architectural style as set forth in the City of Alameda Design Review Manual.

f. Structure shall mean a building or facility of any kind, or any piece of work artificially built up or composed of parts joined together in some definite matter.

30-37.2 Improvements subject to Major Design Review; ~~Minor Design Review;~~ and Exemptions.

a. ~~Improvements Subject to Major Design Review.~~ All improvements require Design Review approval unless specifically exempt pursuant to 30-37.2.b.

- ~~1. Construction of a new structure(s) for which a building permit is required, except where regulated in subsection 30-37.2c, or;~~
- ~~2. Additions to commercial, industrial, mixed use or public use structures, or;~~
- ~~3. Additions to residential structures which are greater than eighty (80) square feet, or additions located on a second-story or above.~~

b. Improvements Subject to Minor Design Review.

- ~~1. Improvements and additions which are not exempt under subsection 30-37.2c, and which are not subject to Major Design Review, or;~~
- ~~2. Improvements, including additions, to residential structures in an area subject to architectural review by a property owners' association created pursuant to conditions, covenants and restrictions and which is required to approve improvements pursuant to such conditions, covenants and restrictions, or;~~
- ~~3. Parking lot improvements, as regulated by subsection 30-7.11, or;~~
- ~~4. Paving of City sidewalk planter strips; or~~

~~5. Signs, as regulated under Section 30-6 of this chapter.~~

~~e. b. Exemptions- Exempt Improvements:~~

- ~~1. Interior Improvements; Any improvement that does not require a building permit pursuant to the Building Code;~~
- ~~2. Interior Improvements;~~
- ~~3. Skylights;~~
- ~~3. Replacement –in-kind provided that the structure or element being replaced is consistent with the original dimensions, proportions, details and textures and outwardly appears unchanged from the original element in place at the time of construction;~~
- ~~4. Fences;~~
- ~~4. Restoration of an original architectural element or structure.~~
- ~~5. 5. Reroofing, when no structural alteration will take place; Any addition or improvement that meets all of the following criteria:~~
 - ~~A. The gross floor area of the improvement is less than 200 square feet, and;~~
 - ~~B. The improvement is a one story accessory building or the improvement is located on the first story as defined by the Building Code, and ;~~
 - ~~C. The improvement is located in the rear yard area, the improvement is in compliance with all applicable lot coverage, open space, and setback requirements of the applicable zoning district, and;~~
 - ~~D. The improvement includes exterior materials, architectural detailing, roof pitch and design, windows, and doors that are a visual match to the existing or original design of the structure.~~
- ~~6. Foundation work;~~
- ~~6. New or refaced signs, regulated under Section 30-6 with approved sign permits and signs that meet the requirements of an approved sign program.~~
- ~~7. Repair or replacement of retaining walls;~~
- ~~7. New awnings that meet all of the following criteria:~~
 - ~~A. Is covered in an a non-glossy fade and fire resistant fabric material, and;~~
 - ~~B. Matches the alignment and shape of any existing awning on the building;~~

C. Does not cover transom windows or extend more than six inches (6") beyond the perimeter of a window, door or other opening, and;

D. Is not placed over pilasters, columns or other prominent vertical elements, and;

E. Provides a minimum of eight feet (8') of vertical clearance for framed portions and seven feet (7') for any unframed valances, and;

F. Exhibits a slanted or, if over arched windows or individual upper floor windows, a domed shape, and;

G. Is not internally illuminated, and;

H. Has all required encroachment permits.

~~8. Decks thirty inches (30") in height or less;~~

8. Awnings with approval by the City of Alameda Façade Improvement Program.

~~9. Docks which comply with established City standards.~~

9. Changes to an existing parking lot provided that the lot is not visible from the public right of way and the number of parking spaces or the area of landscaping are not being reduced.

10. New solar collections systems or skylights.

11. Docks which comply with the standards of the Alameda Municipal Code.

12. Second units consistent with development regulations of Section 30-4.1.

13. Fences consistent with the standards of the Alameda Municipal Code.

30-37.3 Applications for Design Review.

a. Any person or entity proposing to construct or locate within the City any improvement subject to Design Review, shall file an application for review of the project design, concurrently with the application for a building permit.

~~b. Preliminary review for Major Design Review may be filed with Design Review Staff, prior to applying for a building permit. Noticing requirements shall be completed during the preliminary review.~~

~~c. b. The form of the Design Review applications shall be as required by the Design Review Staff, and shall be accompanied by architectural and site development drawings, drawn to scale and shall include all information as specified on in the application form.~~

d. c. Design Review Staff may require additional information from applicants which is pertinent to the application necessary to evaluate the project.

30-37.5 Requirements Findings.

To grant Design Review approval, the following findings must be made:

a. The proposed design is consistent with the General Plan and the City of Alameda Design Review Manual;

b. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses; and

c. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development.

~~a. Projects must be compatible with their site, any adjacent or neighboring buildings or surroundings and promote harmonious transitions in scale and character in areas between different designated land uses.~~

~~b. Projects which do not meet the requirements of paragraph a. shall be presumed detrimental to either existing property values or the growth of property values in the vicinity of the project.~~

~~c. The Design Review Staff may determine compliance with paragraph a. by determining the consistency of the project with the principles and standards of the design review manual.~~

30-37.6 Expiration and Extension.

Design Review approval shall expire two (2) years from the initial date of approval unless construction has commenced under valid permits. Design review approval may be extended upon application for up to two (2) additional years from the date of expiration.

Section 3. Section 30-6 of the Alameda Municipal Code is hereby amended to read as follows:

Section 30-6.1 In General; On-Premise and Off-Premises Signs.

b. Permit Required. A sign permit shall be obtained ~~as provided in subsection 30-37.2(b)(5) of the Alameda Municipal Code~~ and a building permit shall be obtained as provided in Sections 6-3 and 13-1 of the Alameda Municipal Code.

Section 30-6.3 General Requirements on On-Premise Signs.

a. Regulations Pertaining to All On-Premise Signs:

1. Permit Required for All Permanent Signs. In order to assure compliance with the regulations of this section, no permanent sign (including signs that do not require building permits) may be installed until a sign permit has been issued. Sign permit applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated. To grant a sign permit, the Planning Director must find that the proposed sign(s):

A. Are consistent with all applicable General Plan policies, all sign regulations of Section 30-6 of the Alameda Municipal Code, and all provisions of the City of Alameda Design Review Manual that may apply to the project type or site;

B. Exhibit a design and materials that are appropriate for the site and compatible with adjacent or neighboring buildings or surroundings.

Section 4. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 5. This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 6. California Environmental Quality Act (CEQA). The proposed amendments are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations. The proposed amendments amend the review process for Design Review and do not increase the intensity or density of use that would be permitted on property in Alameda

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2011.

Lara Weisiger, City Clerk
City of Alameda